

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRANDON ROE and TERI L. ROE,

Plaintiffs,

V.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C13-5927 BHS

ORDER

This matter comes before the Court on Defendant Deborah Hall's ("Hall") motion

for summary judgment (Dkt. 24) and unopposed motion to strike (Dkt. 36).

With regard to the motion to strike, Plaintiffs have failed to file an opposition,

which the Court considers an admission that the motion has merit. Therefore, the Court

GRANTS Hall's motion to strike and the portions of the declarations will not be

considered as admissible evidence without further supplementation.

With regard to the motion for summary judgment, Hall filed the motion based on

Plaintiffs' original complaint. Since then, the Court has granted Plaintiffs leave to file a

limited amended complaint. Dkt. 43. Plaintiffs have failed to file that pleading

1 Plaintiffs are hereby **ORDERED** to file an amended complaint in compliance with the
2 Court's order no later than June 27, 2014. Without an amended complaint on file, the
3 Court is unable to determine the relevancy of the summary judgment motion as to any
4 claim against Hall. Once the amended complaint is filed, Hall shall file a status report
5 addressing the relevancy of the current summary judgment briefing, what issues need to
6 be considered, and whether supplemental briefing is necessary. Therefore, the current
7 motion is hereby removed from the docket calendar and is subject to renoting pending
8 Hall's status report.

9 **IT IS SO ORDERED.**

10 Dated this 25th day of June, 2014.

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BENJAMIN H. SETTLE
United States District Judge